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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,249	04/13/2004	Brian Keith Long	000479.00124	5753
22909	7590	08/02/2006	EXAMINER	
BANNER & WITCOFF, LTD. 1001 G STREET, N.W. WASHINGTON, DC 20001-4597			CLEMENT, MICHELLE RENEE	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/824,249	Applicant(s) LONG, BRIAN KEITH	
	Examiner Michelle (Shelley) Clement	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 8/3/04 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it is illegible. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the connectors must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 23 is objected to because of the following informalities: "copula" should apparently be --cupola--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The term "outward facing" in claim 15 is a relative term which renders the claim indefinite. The term "outward facing" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term is a spatially relative term but applicant has not defined a spatial system.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 13, 14, 16-19, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Frangolacci (US Patent # 4,748,790). Frongolacci discloses a modular structure with a self-supporting and enclosed configuration that can be used to receive and transport individuals or equipment, the modular structure including a frame formed from a plurality of frame portion joined together by connectors, the frame extending around the modular structure to provide support, a shell formed from a plurality of abutting armored panels, each of the panels being secured to one of the frame portions, each of the frame portions and panels forming discrete and separable units that are joinable to form the modular structure. The modular structure is joinable with another modular structure to form a larger modular structure (column 8, lines 48-60). The armored panel comprises Kevlar (i.e. a fiber-reinforce polymer that is a para-aramid fiber). Portions of the armored panels are removable from an interior of the modular structure to form a door (i.e. a port) or can be removed from the modular structure to join with another modular structure. At least one of the units is hinged (reference 32) to form an entry point of the modular structure.

9. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Mueller (US Patent # 4,351,558). Mueller discloses a modular structure with a self-supporting and enclosed configuration that can be used to receive and transport individuals or equipment, the modular structure including a frame formed from a plurality of frame portion joined together by connectors, the frame extending around the modular structure to provide support, a shell formed from a plurality of abutting armored panels, each of the panels being secured to one of the frame

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portions. Mueller discloses that each of the frame portions and panels forming discrete and separable units that are joinable to form the modular structure in any desired configuration.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller as applied to claim 13 above, and further in view of Law (US Patent # 4,309,055). Although Mueller does not expressly disclose the structure comprising *outward-facing* seats secured within the modular structure, Law does. Law teaches a troop carrying truck having outward-facing seats and armored panels. Mueller and Law are analogous art because they are from the same field of endeavor: armored vehicles. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the outward-facing seats as taught by Law with the armored truck as taught by Mueller. The suggestion/motivation for doing so would have been to obtain an armored vehicle that could carry troops with a place for the troops to sit.

12. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller as applied to claim 13 above, and further in view of Tiomkin et al. (US Patent # 5,220,127). Although Mueller does not expressly disclose the armored vehicle including a cupola that can be used to mount a weapon, Tiomkin et al. does. Tiomkin et al. teaches a hatch assembly (i.e. cupola) for an armored vehicle to which a weapon can be mounted. Tiomkin et al. and Mueller are analogous art because they are from the same field of endeavor: armored vehicles. It would

have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cupola as taught by Tiomkin et al. with the modular armored vehicle as taught by Mueller. The suggestion/motivation for doing so would have been to obtain an armored vehicle to which a weapon could be mounted and utilized.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lord (US Patent # 2,317,392), Stewart et al. (US Patent # 6,742,309), Hotes (US Patent # 6,679,009), Johnson (US Patent # 7,021,009), Bounkong et al. (US Patent # 5,377,577), Saccomani et al. (US Patent # 4,644,705), Al-Sabah et al. (US Patent # 5,950,372), Chitrangad (US Patent # 6,030,683), O'Kieffe (US Patent # 2,015,868), Cawthon (US Patent # 5,555,681), and DeLong et al. (US Patent # 5,142,997).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


MICHELLE CLEMENT
PRIMARY EXAMINER